

House File 2330 - Introduced

HOUSE FILE 2330
BY GASKILL

A BILL FOR

1 An Act relating to conducting county gambling elections and
2 including effective date and applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 99F.7, subsection 11, Code 2009, is
2 amended to read as follows:

3 11. *a.* A license to conduct gambling games ~~on an excursion~~
4 ~~gambling boat~~ in a county shall be issued only if the county
5 electorate approves the conduct of the gambling games as
6 provided in this subsection. The board of supervisors,
7 upon receipt of a valid petition meeting the requirements
8 of section 331.306, and subject to the requirements of
9 paragraph "e", shall direct the commissioner of elections to
10 submit to the registered voters of the county a proposition
11 to approve or disapprove the conduct of gambling games ~~on~~
12 ~~an excursion gambling boat~~ in the county. The proposition
13 shall be submitted at an election held on a date specified in
14 section 39.2, subsection 4, paragraph "a". To be submitted
15 at a general election, the petition must be received by the
16 board of supervisors at least five working days before the
17 last day for candidates for county offices to file nomination
18 papers for the general election pursuant to section 44.4. If a
19 majority of the county voters voting on the proposition favor
20 the conduct of gambling games, the commission may issue one or
21 more licenses as provided in this chapter. If a majority of
22 the county voters voting on the proposition do not favor the
23 conduct of gambling games, a license to conduct gambling games
24 in the county shall not be issued.

25 *b.* If ~~licenses~~ a license to conduct gambling games ~~and~~
26 ~~to operate an excursion gambling boat~~ are is in effect
27 pursuant to a referendum as set forth in this section and
28 ~~are~~ is subsequently disapproved by a referendum of the county
29 electorate, the ~~licenses~~ license issued by the commission after
30 a referendum approving gambling games ~~on excursion gambling~~
31 ~~boats~~ shall remain valid and ~~are~~ is subject to renewal for
32 ~~a total of nine years~~ one year from the date of ~~original~~
33 issue the referendum disapproving the conduct of gambling games
34 in the county unless the commission revokes a license at an
35 earlier date as provided in this chapter.

1 *c.* If a licensee of a pari-mutuel racetrack who held a
2 valid license issued under chapter 99D as of January 1, 1994,
3 requests a license to operate gambling games as provided in
4 this chapter, the board of supervisors of a county in which
5 the licensee of a pari-mutuel racetrack requests a license to
6 operate gambling games shall submit to the county electorate a
7 proposition to approve or disapprove the operation of gambling
8 games at pari-mutuel racetracks at an election held on a date
9 specified in section 39.2, subsection 4, paragraph "a". If the
10 operation of gambling games at the pari-mutuel racetrack is not
11 approved by a majority of the county electorate voting on the
12 proposition at the election, the commission shall not issue a
13 license to operate gambling games at the racetrack.

14 *d.* If the proposition to operate gambling games ~~on an~~
15 ~~excursion gambling boat or at a racetrack enclosure is~~
16 approved by a majority of the county electorate voting on
17 the proposition, the board of supervisors shall submit ~~the~~
18 same a proposition to operate gambling games to the county
19 electorate ~~at the general election held in 2002 and, unless the~~
20 ~~operation of gambling games is terminated earlier as provided~~
21 ~~in this chapter or chapter 99D, at the next general election~~
22 ~~held at each subsequent eight-year interval~~ no sooner than
23 the eighth calendar year following the election approving
24 gambling games, unless the operation of gambling games is
25 terminated earlier as provided in this chapter or chapter
26 99D. However, if in two successive elections a proposition to
27 operate gambling games is approved by a majority of the county
28 electorate voting on the proposition a proposition under this
29 paragraph shall not thereafter be required to authorize the
30 conduct of gambling games pursuant to this chapter.

31 *e.* After a referendum has been held which approved
32 or defeated a proposal to conduct gambling games ~~on excursion~~
33 ~~gambling boats or which defeated a proposal to conduct gambling~~
34 ~~games at a licensed pari-mutuel racetrack enclosure as provided~~
35 in this section, another referendum on a proposal to conduct

1 ~~gambling games on an excursion gambling boat or at a licensed~~
2 ~~pari-mutuel racetrack~~ shall not be held ~~for at least eight~~
3 ~~years~~ until calendar year 2015 and then may only be held every
4 eighth calendar year thereafter. However, if any proposition
5 to operate gambling games is approved or defeated by a vote in
6 favor of or against such proposition equal to at least sixty
7 percent of the votes cast for and against the proposition,
8 another referendum on a proposal to conduct gambling games
9 shall not be held until calendar year 2022 and then may only be
10 held every fifteenth calendar year thereafter.

11 Sec. 2. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
12 APPLICABILITY. This Act, being deemed of immediate importance,
13 takes effect upon enactment and applies retroactively to
14 elections held on and after January 1, 1994.

15 EXPLANATION

16 This bill provides for the requirements relative to
17 conducting a referendum to approve or disapprove gambling games
18 in a county.

19 The bill provides that if a proposition to operate gambling
20 games has been approved in two successive elections in a
21 county, the proposition to authorize gambling games is not
22 thereafter required to be submitted to the county electorate.
23 Current law provides that the proposition to conduct gambling
24 games shall be resubmitted to the county electorate every eight
25 years.

26 The bill also provides that if a proposal to operate gambling
27 games has been approved, another election shall not be held
28 sooner than the eighth calendar year following the approval,
29 but in no event prior to calendar year 2015, and then, may only
30 be held each eighth year thereafter. In addition, the bill
31 provides that if any proposition to conduct gambling games in
32 a county passes with 60 percent approval or is defeated with
33 60 percent disapproval, then no referendum shall be held in
34 that county until calendar year 2022, and then may only be
35 held each fifteenth calendar year thereafter. The provision

1 that the county may hold a referendum on the proposition to
2 conduct gambling games upon submission of a petition from the
3 county electorate is maintained but is made subject to the
4 bill's requirements on when elections can be held. Current law
5 provides that no election shall be held for eight years after a
6 proposal has been defeated but is silent as to when an election
7 can be held if the proposal to conduct gambling games has been
8 approved.

9 The bill also provides that if gambling games are authorized
10 in a county but a subsequent proposition to conduct gambling
11 games has been defeated, any license to conduct gambling games
12 in that county shall remain valid for one year following the
13 defeat of the proposition. Current law provides that the
14 license remains valid for nine years following the date of the
15 original issue of a license to conduct gambling games in that
16 county.

17 The bill takes effect upon enactment and is retroactively
18 applicable to elections held on and after January 1, 1994.